IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.26485 of 2005

Between:

M/s.Pankaj & Pankaj,

11-31-14, Park Road,

Vijayawada, Krishna District,

R

ep. by its authorised representative,

Mr.Jabarchand Bohra.

.....PETITIONER

AND

1.The Joint Commissioner (CT) Legal,

A.P., Hyderabad, and 2 others.

.....RESPONDENTS

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki)***

This is a writ petition challenging the order of the Tribunal declining to condone the delay of one year seven months and thirteen days for preferring the appeal.

We do not find any illegality in the impugned order which could warrant our intervention.

However, the learned Counsel for the petitioner submits that in the facts of the case there was no delay. Although the order was passed against him on 26-09-1998, he was served with a photocopy of the order on 13-11-1998. He tried to get a certified copy, which he did not get, although he had made an application for it on
16-11-1998. There is no proof and it was not even stated before the Tribunal that the petitioner had applied for a certified copy on 16-11-1998. He has shown us some letters written to him by the respondents but those letters refer only to his applications moved in 2000. One of such letters is dated 09-06-2000 written by Deputy Commercial Tax Officer in response to the petitioner's letters dated 26-05-2000, 06-06-2000 and 09-06-2000. Ultimately, the petitioner was not able to get a certified copy of the order. Even according to the petitioner, he filed the appeal in 2000 on the basis of the photocopy he has received in 1998. This, he could have done in 1998 also.

Writ Petition is misconceived, which is, accordingly,

dismissed. No costs.

(Bilal Nazki, J)

14th December, 2005

(S.Ananda Reddy, J)

LUR